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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,224	01/17/2002	Mingo Liu	67,200-629	3571

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[REDACTED] EXAMINER

NGUYEN, KHIEM D

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2823

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/053,224	LIU ET AL.
	Examiner	Art Unit
	Khiem D Nguyen	2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 10-12 is/are rejected.
- 7) Claim(s) 8-9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-12, drawn to a method for forming a micro tip for a micro probe utilized in testing semiconductor integrated circuit devices, classified in class 438, subclass 18.
  - II. Claims 13-24, drawn to an apparatus for a micro probe utilized in testing semiconductor integrated circuit devices, classified in class 324, subclass 754.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as one in which the process of thermally grown a thick oxide layer upon a substrate can be done instead of the depositing method as recited in present claim 1, line 4.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with attorney Randy W. Tung on 08/19/2003 a provisional election was made with traverse to prosecute the invention of Group I, claims

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1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-24 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Givargizov et al. (U.S. Patent 6,458,206).

In re claim 1, Givargigov discloses a method for forming a micro tip for a micro probe utilized in testing semiconductor integrated circuit devices, the method comprising the steps of (FIGS. 4A-E and related text): depositing a thick oxide layer (FIG. 4A, 104) upon a substrate (FIG. 4A, 102); and defining a micro tip (FIG. 4E, 120) for a microprobe from the thick oxide layer upon the substrate through plurality of subsequent

semiconductor manufacturing operations performed upon the substrate and layers thereof, wherein a plurality of the micro tips are mass producible and can be efficiently utilized association with increasingly smaller sizes of semiconductor integrated circuit devices (col. 3, line 10 to col. 5, line 5 and FIGS. 4A-E).

In re claim 2, Givargigov discloses the step of adapting the micro tip of the microprobe for use with a micromachine (Abstract).

In re claim 3, Givargigov discloses the step of connecting the micro tip of the microprobe to a micromachine (col. 6, lines 31-60 and FIG. 15).

In re claim 4, Givargigov discloses the step of defining the micro tip of the microprobe utilizing a plurality of micromachine manufacturing operations (col. 3, line 10 to col. 5, line 5 and FIGS. 4A-E).

In re claim 5, Givargigov discloses the step of performing a first lithography operation upon the substrate (FIG. 4A, 102) and layers thereof following a deposition of the thick oxide layer (FIG. 4A, 104) upon the substrate.

In re claim 10, Givargigov discloses the step forming the micro tip (FIG. 4E, 120) for the micro probe on a substrate, wherein the micro tip is formed between a conductive metal layer and the substrate (FIGS. 4A-E).

In re claim 11, Givargigov discloses depositing a conductive metal layer (FIG. 4D, 124) on top of the oxide layer (FIG. 4D, 104). Thus, Givargigov inherently discloses wherein the conductive metal layer may comprise an aluminum layer.

In re claim 12, Givargigov discloses wherein the substrate (FIG. 4A, 102) comprises a silicon substrate (col. 3, lines 33-40).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Givargizov et al. (U.S. Patent 6,458,206) as applied to claim 1-5 and 10-12 above, and further in view of Stanley Wolf (Silicon Processing for the VLSI Era, Volume 1).

In re claims 6 and 7, Givargigov fails to explicitly disclose performing a first metal sputter operation upon the substrate, following the first lithography operation performed upon the substrate and the layers thereof and performing a chemical mechanical polishing operation upon the substrate and the layers thereof following the first metal sputter operation performed upon the substrate.

Wolf discloses performing a first metal sputter operation upon the substrate, following the first lithography operation performed upon the substrate and the layers thereof (page 335) and performing a chemical mechanical polishing (CMP) operation upon the substrate and the layers thereof following the first metal sputter operation performed upon the substrate (pages 238-239). It would have been obvious to one of ordinary skill in the art of making semiconductor devices to combine the teaching of Givargigov and Wolf to enable the first metal sputter operation and a chemical mechanical polishing operation upon the substrate of Givargigov to be performed and furthermore to simplify the problem of depositing films with uniform thickness over large

wafers (page 335) and to prevent mechanical work damage from remaining on the polished film (page 238).

***Allowable Subject Matter***

Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D Nguyen whose telephone number is (703) 306-0210. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9179 for regular communications and (703) 746-9179 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.N.  
August 22, 2003



Olik Chaudhuri  
Supervisory Patent Examiner  
Technology Center 2800